



TMK 3727

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Macasaet, et al.

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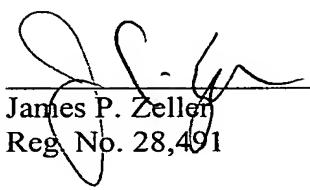
For: CONTAINER FOR
CONTAINMENT AND TRANSPORT
OF OBJECTS

Group Art Unit: 3727

Examiner: To be assigned

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September 25, 2006


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SUBMISSION OF TRANSLATION INTERNATIONAL REPORT
ON PATENTABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English translation of the international preliminary report on patentability.

Respectfully submitted,


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September 25, 2006

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 10116-PT-WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/003799	International filing date (day/month/year) 08.04.2004	Priority date (day/month/year) 08.04.2004	
International Patent Classification (IPC) or national classification and IPC INV. B65D47/26 B65D77/28			
Applicant DEUTSCHE POST AG et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 2 sheets, as follows:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 08.09.2005	Date of completion of this report 19.07.2006		
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Bevilacqua, V Telephone No. +49 89 2399-7983		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/003799

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

- the international application in the language in which it was filed
- a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3(a) and 23.1(b))
 - publication of the international application (under Rule 12.4(a))
 - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-6 as originally filed

Claims, Numbers

1-15 filed with telefax on 05.09.2005

Drawings, Sheets

1/4-4/4 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/003799

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-15
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/EP2004/003799

1 The following documents are referred to in this communication:

D1 : FR 2 087 000 A (GENERALE SUCRIERE SA) 31 December 1971 (1971-12-31)

D2: GB M10584A (HARGROVES WALTER GEORGE) 13 February 1913 (1913-02-13)

2 INDEPENDENT CLAIM 1

2.1 The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear.

The expression "which meets" contained in the first row of claim 1 is completely unclear and leaves the reader completely in doubt as to the scope of the protection sought.

In order to be able to express an opinion on novelty and inventive step the further points of this communication will not consider this expression ("which meets") and will only concentrate on the other features.

2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT.

Document D2 discloses (the references in parenthesis applying to this document see in particular figure 1 and page 1):

a container including

at least three sidewalls with corners therebetween, the sidewalls defining an internal space for storage of at least one item

the sidewalls being foldable (it is made of cardboard and can therefore be folded) about the corners for ease of storage the side walls having an open base and an open top (see figure 1) each sidewall of the container having at least one perforated line to enable the height of that sidewall to be varied, wherein the at least one perforated line is parallel to an edge of the base, wherein the use of perforated lines along each sidewall enables the use of a single standardised container that may be customised to meet the needs of different load and height requirements of objects to be stored and transported(see page 1 lines 17-24).

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/EP2004/003799

The subject matter of claim 1 therefore differs from this known container in that the container further includes

-a cover for the open top and the internal space and a pallet onto which the sidewalls can be placed.

The problem to be solved by the present invention may therefore be regarded as a combination of two completely separated problems, namely:

-how to protect the contents of the container from the top
-how to easily manipulate and move the container

The solutions proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) because a cover for the top and a pallet base for carrying a container with a fork lift are both described in document D1 as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal design option to include these features in the container described in document D2 in order to solve the problem posed.

3 DEPENDENT CLAIMS 2-15

Dependent claims 2-15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT).

07.09.2005

CLAIMS

1. A container (20) which meets including:
 - (a) at least three sidewalls (24) with corners therebetween, the sidewalls (24) defining an internal space for storage of at least one item;
 - (b) the sidewalls being foldable about the corners for ease of storage;
 - (c) the sidewalls having an open base and an open top;
 - (d) a cover for the open top and the internal space; and
 - (e) a pallet onto which the sidewalls can be placed;
 - (f) each sidewall (24) of the container having at least one perforated line (26, 30, 32) to enable the height of the sidewalls to be varied, wherein the at least one perforated line (26, 30, 32) is parallel to an edge of the base;
 - (g) wherein the use of perforated lines along each sidewall (24) enables the use of a single standardised container that may be customised to meet the needs of different load and height requirements of objects to be stored and transported.
2. A container as claimed in claim 1, wherein the sidewalls are made of a material selected from the group consisting of: cardboard, treated cardboard and a plastics material.
3. A container as claimed in claim 2, wherein the material is weather-resistant.
4. A container as claimed in any one of claims 1 to 3, wherein the sidewalls are foldable along the at least one perforated line to vary a height of the sidewalls.
5. A container as claimed in any one of claims 1 to 3, wherein the sidewalls are shearable along the at least one perforated line to vary the height of the sidewalls.
- 30 6. A container as claimed in any one of claims 1 to 5, wherein the pallet has a top, the top being planar and solid, and being of a length and width slightly greater than the corresponding dimensions of the sidewalls.
- 35 7. A container as claimed in claim 6, wherein a gap is formed between an outer edge of the at least three sidewalls and a peripheral edge of the top of the pallet.

8. A container as claimed in any one of claims 1 to 7, wherein the open base is for enabling the at least one item to be placed directly on the pallet.
- 5 9. A container as claimed in any one of claims 1 to 8, wherein the cover is shaped to conform with the internal space defined by the sidewalls and comprises a cover top, and cover sides, the cover being adapted to readily removable over the open top and locatable on an outer surface of the at least three sidewalls in the manner of a snug fit.
- 10 10. A container as claimed in any one of claims 1 to 9, wherein the pallet is formed of a material selected from the group consisting of: cardboard, plastics and treated cardboard.
- 15 11. A container as claimed in claim 10, wherein the material is weather resistant.
12. A container as claimed in any one of claims 1 to 11, wherein the sidewalls and the pallet combine to form an open-top box.
- 20 13. A container as claimed in claim 12, wherein the open-top box is able to be closed by the cover.
14. A container as claimed in claim 6 or claim 7, wherein the top of the pallet forms a solid base for the sidewalls.
- 25 15. A container as claimed in any of claims 1 to 14, wherein each sidewall (24) may be folded about the perpendicular line into the storage area defined by the sidewalls (24) to strengthen each sidewall (24).